

Commonwealth of Kentucky  
Environmental and Public Protection Cabinet  
Department for Environmental Protection  
Division for Air Quality  
803 Schenkel Lane  
Frankfort, Kentucky 40601  
(502) 573-3382

**Final**

**AIR QUALITY PERMIT**  
Issued under 401 KAR 52:020

**Permittee Name:** Gerdau Ameristeel US, Inc.  
**Mailing Address:** P.O.Box 468  
Calvert City, KY 42029

**Source Name:** Same as above  
**Mailing Address:** Same as above

**Source Location:** Sharpe-Calvert City Road  
Calvert City, KY 42029

**Permit Number:** V-03-016 (Revision 1)  
**Source A. I. #:** 2956  
**Activity #:** APE20060001  
**Review Type:** Title V  
**Source ID #:** 21-157-00029

**Regional Office:** Paducah Regional Office  
130 Eagle Nest Road  
Paducah, KY 42003-0823  
( 270 ) 898 - 8468

**County:** Marshall

**Application**  
**Complete Date:** February 21, 2003  
**Issuance Date:** June 17, 2003  
**Revision Date:** July 27, 2006  
**Expiration Date:** June 17, 2008



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John S. Lyons, Director  
Division for Air Quality

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Rev #	Permit Type	Log #	Complete Date	Issuance Date	Summary of Action
-	Title V	E944		2/11/97	Initial Issuance
1	Title V	G559		3/20/00	Revision 1
2	Title V	54562		2/27/02	Revision 2
-	Title V	54937	2/21/03	6/17/2003	Renewal

## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

**SECTION B - AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

**01 (01) - Billet Reheat Furnace:**

**Description:**

An Italmimpianti reheat furnace with an average monthly processing rate of 100 tons of steel per hour and a maximum natural gas usage rate design of 191 mmBTU/hr.  
Construction commenced - September 1983.

**APPLICABLE REGULATIONS:**

401 KAR 59:010 - New process operations.

**1. Operating Limitations:**

Natural gas usage shall not exceed 1400 mm scf per 12 month rolling average - Self imposed to preclude 401 KAR 51:017, Prevention of significant deterioration.

**2. Emission Limitations:**

Particulate emissions shall not exceed 30 tons per 12 month rolling average.  
Nitrogen oxide emissions, expressed as NO<sub>2</sub>, shall not exceed 230 tons per 12 month rolling average - Self imposed to preclude 401 KAR 51:017, Prevention of significant deterioration.  
Visible emissions shall not equal or exceed 20% opacity.

The following formulas will be used in calculating the particulate and NO<sub>x</sub> emission rates:

$$\text{Particulate Emission Rate (tons/month)} = \frac{[\text{Steel billet usage rate (in tons/month)} \times \text{Steel particulate emission factor (in lbs/ton of steel billet used)} + \text{Natural gas usage rate (in mm cu. ft./month)} \times \text{NG particulate emission factor (in lbs/mm cu. ft. of natural gas used)}]}{2000}$$

$$\text{Nitrogen dioxide Emission Rate(tons/month)} = \frac{[\text{Natural gas usage rate (in mm cu. ft./month)} \times \text{Nitrogen oxide emission factor (in lbs/mm cu. ft. of natural gas used)}]}{2000}$$

The steel and natural gas particulate emission factors shall be 0.05 lbs/ton of steel billet used and 12 lbs/million cubic feet of natural gas used respectively. The nitrogen oxide emission factor shall be 300 lbs/million cubic feet of natural gas used. This emission factor shall be replaced by the number calculated whenever an emissions test or other modification, approved by the Division, is carried out for either of these pollutants at this emission point. Records of any such changes in the emission factors used shall be maintained at the source.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

3. **Testing Requirements:**

Performance tests shall be performed on emission point 01(01) for PM and NO<sub>x</sub> no later than 3 months after the issuance date of this permit. Performance tests shall be performed by the reference methods specified in Regulation 401 KAR 50:015, Section 1. The permittee shall complete and return a Compliance Test Protocol (Form DEP 6027) to the Division's Frankfort Office at least thirty (30) days prior to the date of the required performance tests. The Division shall be notified of the actual test date at least ten (10) days prior to the tests and given the opportunity to attend/observe the performance test.

4. **Specific Monitoring Requirements:**

Compliance with the visible emission limitations shall be achieved through opacity monitoring. Opacity monitoring shall be performed by a certified visible emissions observer at least once per calendar quarter during furnace operations per Method 9. If a certified visible emissions observer is not available, qualitative observations of the visible emissions shall be made, and the existence of any visible emissions shall be considered to be over 20% opacity. In addition, any visible emissions observed during operation of the furnace shall be investigated and corrective measures taken to prevent any further occurrence.

The particulate emissions, nitrogen oxide emissions, steel processing and natural gas usage rates shall be monitored to ensure compliance with the emission limitations listed above.

5. **Specific Record Keeping Requirements:**

Records shall be maintained of the monthly particulate and nitrogen oxide emissions and the monthly hours of operation of the reheat furnace. Records shall be maintained of the Method 9 opacity readings or the qualitative reading of visible emissions from the reheat furnace, as well as any occurrence of visible emissions during furnace operations. These records shall be maintained at the plant for a period of at least five years.

6. **Specific Reporting Requirements:**

Any exceedance over the opacity, particulate or nitrogen oxide emission limits as stated in this permit shall be reported to the Division as soon as possible per Section F 8 of this permit. Following an exceedance the company shall continue to submit, for a period of at least 12 months, the monthly particulate and nitrogen oxide emission rates, and the hours of operation of this emission point, within 30 days of the end of the reporting period.

The company shall also certify to the Division, annually, that the visible emission survey is conducted for this emission point, and that the emission point was in compliance with the applicable opacity requirements.

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**02 (02) - Hot Rolling Mill:**

**Description:**

A Schloemann Siemag/Danieli rolling mill with a steel processing average capacity of 100 tons per hour.

Construction commenced - September 1983.

**APPLICABLE REGULATIONS:**

401 KAR 59:010 - New process operations.

**1. Operating Limitations:**

None.

**2. Emission Limitations:**

Particulate emissions shall not exceed 40 tons per 12 month rolling average.

The following formula will be used in calculating the particulate emissions rate:

Particulate Emission Rate = Steel processing rate (in tons/month) x Steel particulate (lbs/month) emission factor(in lbs/ton of steel processed)

The particulate emission factors shall be 0.08 lbs/ton of steel processed. This emission factor shall be replaced by the number calculated whenever an emissions test or other modification, approved by the Division, is carried out for this pollutant at this emission point. Records of any such change in the emission factors used shall be maintained at the source.

Visible emissions from the roof monitors of the rolling mill shall not equal or exceed 20% opacity.

**3. Testing Requirements:**

None.

**4. Specific Monitoring Requirements:**

The particulate emissions and steel processing rates shall be monitored to ensure compliance with the emissions limitation listed above.

Opacity monitoring shall be performed by a certified visible emissions observer at least once per calendar quarter during rolling mill operations per Method 9. If a certified visible emissions observer is not available, qualitative observations of the visible emissions shall be made, and the existence of any visible emissions shall be considered to be over 20% opacity.

In addition, any visible emissions observed during operation of the furnace shall be investigated and corrective measures taken to prevent any further occurrence.

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**5. Specific Record Keeping Requirements:**

Records shall be maintained of the monthly and average hourly particulate emissions and the monthly hours of operation of the rolling mill. These records shall be maintained at the plant for a period of at least five years.

Records shall be maintained of the Method 9 opacity readings or the qualitative reading of visible emissions from the roof monitors furnace, as well as any occurrence of visible emissions during furnace operations. These records shall be maintained at the plant for a period of at least five years.

**6. Specific Reporting Requirements:**

Any exceedance over the particulate emission rate limits as stated in this permit shall be reported to the Regional Office listed on the front of this permit within 30 days per Section F 8 of this permit. Following an exceedance the company shall continue to submit, for a period of at least 12 months, the monthly particulate emission rates, and the monthly hours of operation of this emission point, within 30 days of the end of the reporting period.

Any exceedance over the opacity limits as stated in this permit shall be reported to the Regional Office listed on the front of this permit within 30 days per Section F 8 of this permit. Following an exceedance the company shall continue to submit, at least once a month, the daily visible emission readings. The monthly reports shall be submitted for a period of at least 12 months, within 30 days of the end of the month.

The company shall also certify to the Division, annually, that the visible emission survey is conducted for this emission point, and that the emission point was in compliance with the applicable opacity requirements

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**05 (05) - Haul Roads:**

**Description:**

Various paved and unpaved roads within the plant boundaries used to transport equipment, material, personnel etc.

Construction commenced - September 1983.

**APPLICABLE REGULATIONS:**

401 KAR 63:010 - Fugitive emissions.

**1. Operating Limitations:**

None.

**2. Emission Limitations:**

None.

**3. Testing Requirements:**

None.

**4. Specific Monitoring Requirements:**

The permittee shall keep records of the dates that it swept, and applied water/dust suppressants to roadways, and these records shall be made available to the Division personnel upon request.

**5. Specific Record Keeping Requirements:**

The permittee shall keep records of the dates that it swept, and applied water/dust suppressants to roadways, and these records shall be made available to the Division personnel upon request.

**6. Specific Reporting Requirements:**

The permittee shall keep records of the dates that it swept, and applied water/dust suppressants to roadways, and these records shall be made available to the Division personnel upon request.

**SECTION C - INSIGNIFICANT ACTIVITIES**

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. Gasoline storage tank (300 gal.)	401 KAR 59:010, 401 KAR 63:010
2. Guideshop parts washer vat (500 gal.)	401 KAR 59:010, 401 KAR 63:010
3. Guideshop parts washer sink (30 gal.)	401 KAR 63:010
4. Maintenance parts washer sink (30 gal.)	401 KAR 63:010
5. Utility parts washer sink (30 gal.)	401 KAR 63:010
6. Emergency generator (250 kW)	401 KAR 59:010
7. Cooling tower heater (0.1 mmBTU/hr)	401 KAR 59:010
8. Water plant heater #1 (0.225 mmBTU/hr)	401 KAR 59:015
9. 2 Storeroom heaters (0.25 mmBTU/hr each)	401 KAR 59:015
10. Elect. maintenance shop heater #1 (0.3 mmBTU/hr)	401 KAR 59:015
11. Elect. maintenance shop breakroom heater (0.075 mmBTU/hr)	401 KAR 59:015
12. Elect. maintenance shop heater #2 (0.225 mmBTU/hr)	401 KAR 59:015
13. Elect. maintenance shop heater #3 (0.175 mmBTU/hr)	401 KAR 59:015
14. Off line saw portable heater (0.15 mmBTU/hr)	401 KAR 59:015
15. 5 Roll shop wall heaters (0.20 mmBTU/hr)	401 KAR 59:015
16. 7 Roll shop ceiling heaters (0.08 mmBTU/hr)	401 KAR 59:015
17. Tunnel heater (1.65 mmBTU/hr)	401 KAR 59:015
18. Miscellaneous cooling towers (250 gal/min.)	401 KAR 59:010

**SECTION C - INSIGNIFICANT ACTIVITIES (CONTINUED)**

<u>Description</u>	<u>Generally Applicable Regulation</u>
19. Citgo FR 40 storage tank (2,500 gal.)	401 KAR 59:010, 401 KAR 63:010
20. Diesel storage tank (1,130 gal.)	401 KAR 59:010, 401 KAR 63:010
21. Kerosene storage tank (570 gal.)	401 KAR 59:010, 401 KAR 63:010
22. Amenities building water heater (0.199 mmBtu/hr)	401 KAR 59:015
23. Emergency generator (1,000 kW)	401 KAR 59:010, 401 KAR 63:010
24. Air compressor (400 hp)	401 KAR 59:010, 401 KAR 63:010
25. Portable welding machine (80 hp)	401 KAR 59:010, 401 KAR 63:010
26. 3 Chainsaws (8.5 hp)	401 KAR 59:010, 401 KAR 63:010
27. 30 Natural gas torch stations (0.061 mmBtu/hr)	401 KAR 59:010, 401 KAR 63:010
28. 20 Acetylene torch stations	401 KAR 59:010, 401 KAR 63:010
29. Aerosol spray paints (16 oz. cans)	401 KAR 59:010, 401 KAR 63:010
30. Water plant heater #2 (0.250 mmBtu/hr)	401 KAR 59:015
31. Elect. maintenance shop portable heater (0.150 mmBtu/hr)	401 KAR 59:015
32. 2 Mech. maintenance shop heaters (0.150 mmBtu/hr)	401 KAR 59:015
33. 2 Mech. maintenance shop portable heaters (0.150 mmBtu/hr)	401 KAR 59:015
34. Mech. maintenance breakroom heaters (0.225 mmBtu/hr)	401 KAR 59:015
35. Utility maintenance heater (0.200 mmBtu/hr)	401 KAR 59:015
36. Utility maintenance portable heater (0.100 mmBtu/hr)	401 KAR 59:015
37. Roll shop HVAC unit (0.154 mmBtu/hr)	401 KAR 59:010, 401 KAR 63:010
38. Billet yard office heater (0.075 mmBtu/hr)	401 KAR 59:015
39. Billet yard natural gas portable heater (0.150 mmBtu/hr)	401 KAR 59:015
40. Billet yard kerosene portable heater (0.150 mmBtu/hr)	401 KAR 59:015

**SECTION C - INSIGNIFICANT ACTIVITIES (CONTINUED)**

<u>Description</u>	<u>Generally Applicable Regulation</u>
41. 5 HVAC units at amenities building (0.125 mmBtu/hr)	401 KAR 59:010, 401 KAR 63:010
42. 2 Marley NC8312K1 Cooling Towers (144,000 gph ea.)	401 KAR 59:010, 401 KAR 63:010

## **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS**

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. Particulate, nitrogen oxide, and visible emissions, as measured by methods referenced in 401 KAR 50:015, Section 1, shall not exceed the respective limitations specified herein.
3. For each emission point and/or vent at the source that is subject to 401 KAR 59:010, a qualitative observation to check for the presence of any visible emissions shall be carried out on a daily basis and visible emissions testing through Method 9 shall be carried out on a quarterly basis.

## **SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS**

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**

1. Pursuant to Section 1b (IV)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
  - a. Date, place as defined in this permit, and time of sampling or measurements;
  - b. Analyses performance dates;
  - c. Company or entity that performed analyses;
  - d. Analytical techniques or methods used;
  - e. Analyses results; and
  - f. Operating conditions during time of sampling or measurement.
  
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b(IV) 2 and 1a(8) of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
  
3. In accordance with the requirements of 401 KAR 52:020 Section 3(1)h the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
  - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
  - b. To access and copy any records required by the permit;
  - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
  
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
  
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Section 1b (V )1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

6. The semi-annual reports are due by January 30th and July 30th of each year. Data from the continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
  - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
  - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7. above) to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.6 [Section 1b (V) 3, 4. of the Cabinet Provisions and Procedures for Issuing Title V *Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
  - a. Identification of the term or condition;
  - b. Compliance status of each term or condition of the permit;
  - c. Whether compliance was continuous or intermittent;
  - d. The method used for determining the compliance status for the source, currently and over the reporting period.
  - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

**SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

- f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality  
Paducah Regional Office  
4500 Clarks River Road  
Paducah, KY 42003-0823

U.S. EPA Region 4  
Air Enforcement Branch  
Atlanta Federal Center  
61 Forsyth St.  
Atlanta, GA 30303-8960

Division for Air Quality  
Central Files  
803 Schenkel Lane  
Frankfort, KY 40601

10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee.
11. Pursuant to Section VII (3) of the policy manual of the Division for Air Quality as referenced in 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days after the completion of the fieldwork.

## SECTION G - GENERAL PROVISIONS

### (a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 and of the Clean Air Act and is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit [Section 1a, 3 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020 Section 26].
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a, 6 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
  - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
  - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
  - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or compliance with the conditions of this permit [Section 1a, 7,8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].

## SECTION G - GENERAL PROVISIONS (CONTINUED)

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a, 14 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a, 4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
8. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States [Section 1a, 15 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a, 10 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3)(b)].
11. This permit does not convey property rights or exclusive privileges [Section 1a, 9 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry [401 KAR 52:020, Section 11(3)(d)].
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders [401 KAR 52:020, Section 11(3)(a)].
15. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.

## **SECTION G - GENERAL PROVISIONS (CONTINUED)**

16. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of issuance. Compliance with the conditions of a permit shall be considered compliance with:
  - (a) Applicable requirements that are included and specifically identified in the permit and
  - (b) Non-applicable requirements expressly identified in this permit.
  
- (b) Permit Expiration and Reapplication Requirements
  1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:020, Section 12].
  2. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:02+0 Section 8(2)].
  
- (c) Permit Revisions
  1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
  2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

## SECTION G - GENERAL PROVISIONS (CONTINUED)

(d) Acid Rain Program Requirements

1. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

(e) Emergency Provisions

1. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
  - a. An emergency occurred and the permittee can identify the cause of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
  - d. Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
  - e. This requirement does not relieve the source of other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].

(f) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center  
P.O. Box 3346  
Merrifield, VA, 22116-3346

2. If requested, submit additional relevant information to the Division or the U.S. EPA.

## SECTION G - GENERAL PROVISIONS (CONTINUED)

(g) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
  - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
  - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166
  - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
  - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
  
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

**SECTION H - ALTERNATE OPERATING SCENARIOS**

None

**SECTION I - COMPLIANCE SCHEDULE**

None